

**UNITED STATES DEPARTMENT OF THE INTERIOR
OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF LAND APPEALS**

IBLA 2017-140)	E14-003
)	
<i>ION/GX TECHNOLOGY</i>)	Application for Permits to Conduct Geophysical
<i>CORPORATION</i>)	Exploration for Mineral Resources on the Outer
)	Continental Shelf

MOTION FOR REMAND

On January 6, 2017, the Regional Director for the Bureau of Ocean Energy Management’s (BOEM) Gulf of Mexico Region (GOMR), Michael Celata, denied six applications for permits to conduct geophysical explorations for mineral resources on the Outer Continental Shelf (hereinafter, collectively referred to as the “Atlantic G&G Permit Applications”).¹ On March 3, 2017, Ion/GX Technology Corporation filed a notice of appeal challenging the denial of Application No. E14-003.²

On May 1, 2017, the Secretary of the Interior, Ryan Zinke, signed Secretary’s Order 3350, entitled “America-First Offshore Energy Strategy” (“Secretary’s Order 3350”). Section 4a(3) of Secretary’s Order 3350 directs BOEM to “expedite consideration of appealed, new, or resubmitted seismic permitting applications for the Atlantic.” On May 1, 2017 and May 8, 2017, the following non-governmental organizations filed motions to intervene in the above-captioned matter: Oceana, Inc.; Business Alliance for Protecting the Atlantic Coast; Natural Resources Defense Council, Inc.; North Carolina Coastal Federation; South Carolina Coastal Conservation

¹ E14-001 (TGS); E14-003; (Ion/GX Technology Corporation); E14-004 (WesternGeco LLC); E14-005 (CGC Services (US), Inc.); E14-006 (Spectrum Geo, Inc.); and E14-007 (MultiKlient Invest AS).

² The notices of appeal for the other Atlantic G&G Permit Applications were filed on March 2, 2017. Those consolidated appeals are before the Interior Board of Land Appeals (IBLA) as matter number IBLA 2017-135, *et al.*

League; One Hundred Miles; Defenders of Wildlife; Center for Biological Diversity; and Surfrider Foundation (collectively, the “Non-Governmental Organizations”).³

Consistent with Secretary’s Order 3350, on May 10, 2017, BOEM’s Acting Director, Walter Cruickshank, issued a memorandum (“May 10 Memorandum”) rescinding a January 5, 2017 memorandum issued by former BOEM Director Abigail Ross Hopper, which resulted in the original denial of the Atlantic G&G Permit Applications. In the May 10 Memorandum BOEM’s Acting Director informed the Regional Director of GOMR of his decision to request that the IBLA remand to BOEM the appealed denials, and directed that upon remand, the Regional Director reverse the denials of the Atlantic G&G Permit Applications so that BOEM could thereafter resume its evaluation of those applications. In accordance with the May 10 Memorandum, BOEM hereby requests this Board remand the subject appealed matter to BOEM for further consideration.

Given BOEM’s remand request, responses to the motions for intervention filed by the Non-Governmental Organizations are premature, since the motions for intervention would become moot if the above-captioned matter is remanded to BOEM for further consideration. It is worth noting that the remand will result in BOEM’s approval or denial of Application No. E14-003, and will again present the opportunity for appeal and potential intervention. Therefore, granting BOEM’s petition will not prejudice Ion/GX Technology Corporation or Non-Governmental Organizations or any interest they may have in BOEM’s future determination to grant or deny Application No. E14-003.

WHEREFORE, BOEM respectfully moves this Board to remand for further consideration the denial of Application No. E14-003, which is the subject of IBLA 2017-140.

³ Surfrider Foundation filed its motion to intervene on May 8, 2017. All other Non-Governmental Organizations filed their motions to intervene on May 1, 2017.

Counsel for Ion/GX Technology Corporation has been contacted and has consented to this request for remand. In the event that the requested remand is not granted, BOEM respectfully requests that the Board allow BOEM ten (10) business days from issuance of its order to respond to the pending motions for intervention.

Date: May 10, 2017

Respectfully submitted,



Pedro Melendez-Arreaga

CERTIFICATE OF SERVICE

I certify that on May 10, 2017 the forgoing Motion for Remand was sent by email to:

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Pedro Melendez-Arreaga